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Sector #
Box 560

In re Application of:
FUCHS, Sara
Serial No.: G9/820,339
Filed: 03/29/2001
For: THE HUMAN ACETYLCHOLINE RECEPTOR AND...

) Application Division
)
) ATTN: Box Missing Parts
)
) Washington, D.C.
) July 20, 2001
) Confirmation No. 3100

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION..." dated May 24, 2001.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date and priority information.
[] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, serial number, filing date and priority information, and to which is attached a duplicate copy of the application as filed.
[XX] Applicant claims small entity status. See 37 C.F.R. §1.27.
[] A Communication.
[] Preliminary Amendment.
[] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. §1.821-1.825.
[XX] Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
[] A certified copy of priority document no. _____, filed _____, is also attached. Priority is claimed.
[] An Information Disclosure Statement with 08A-1449 and _____ references is also attached.
[] Change of Address

The following fee is calculated below:

	(Col.1)	(Col. 2)	Small Entity			OTHER THAN A SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE				\$355.00	OR		\$ 710.00
TOTAL CLAIMS	22 - 20	02	X 9 =	\$ 18.00	OR	X 18 =	\$
INDEP. CLAIMS	- 3		X 40 =	\$	OR	X 80 =	\$
[] Multiple claims presented			+ 135 =	\$	OR	+ 260 =	\$
If the difference in Col. 1 is less than 0, enter "0" in Col. 2			TOTAL	\$373.00		TOTAL	\$

[] Surcharge for late filing of English translation \$ 130.00

[XX] Late filing of Declaration surcharge in the amount of: Small Entity [XX] \$65.00 Other than Small Entity [] \$130.00

[] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity
Response Filed Within
[] First - \$ 55.00
[] Second - \$ 195.00
[] Third - \$ 445.00
[] Fourth - \$ 695.00

Other Than Small Entity
Response Filed Within
[] First - \$ 110.00
[] Second - \$ 390.00
[] Third - \$ 890.00
[] Fourth - \$1,390.00

Month After Time Period Set

Month After Time Period Set

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] Credit Card Payment Form (PTO 2038) is authorizing payment in the amount of \$438.00, is attached.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:
Sheridan Neimark
Registration No. 20,520



#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Box SEQUENCE
)	
FUCHS et al.)	Examiner:
)	
Serial No.: 09/820,339)	Washington, D.C.
)	
Filed: March 29, 2001)	July 20, 2001
)	
For: RECOMBINANT FRAGMENTS OF)	Atty. Docket: FUCHS=2A
THE HUMAN ACETYLCHOLINE)	
RECEPTOR AND THEIR USE...)	

**STATEMENTS IN SUPPORT OF FILING AND SUBMISSIONS IN ACCORDANCE
WITH 37 C.F.R. §1.821**

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, attached as requested is a 3 1/2" disk containing the "Sequence Listing" in computer readable form in accordance with 37 C.F.R. §1,821(e) as originally filed in application no. 09/820,339 on March 29, 2001.

I hereby state, in accordance with 37 C.F.R. §1.821(f), that the content of the attached computer readable copy of the sequence listing and the originally filed paper copy is believed to be the same.

I hereby also state, in accordance with 37 C.F.R. §1.821(g), that the submission is not believed to include new matter.

Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her

In re Appln. No. 09/435,770

sequence search against a database containing known natural sequences.

If the examiner has any questions or comments concerning the above described application, the examiner is urged to contact the undersigned at the phone number below.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Allen C. Yun
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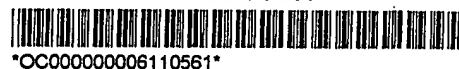
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/820,339	03/29/2001	Sara Fuchs	FUCHS=2A

CONFIRMATION NO. 3100

FORMALITIES LETTER



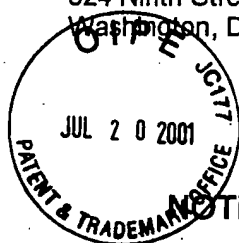
OC000000006110561

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001

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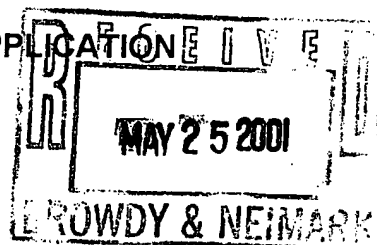
Date Mailed: 05/24/2001



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted



An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$18.
▪ \$18 for 2 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 438.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825

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18.00 OP
65.00 OP
01 JUL 2001
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